



**MINUTES OF THE SIGNIFICANT ECOLOGICAL AREA
TECHNICAL ADVISORY COMMITTEE (SEATAC)
MEETING OF 1 February 2010**

(Minutes approved on 5 April 2010. Jonathan Baskin moved for approval and Dan Cooper seconded the motion.)

PERSONS IN ATTENDANCE:

SEATAC MEMBERS

Dr. Jonathan Baskin
Dan Cooper
Ty Garrison
Michael Long
Dr. Thomas Scott (absent)
Dr. Cheryl Swift (absent)

REGIONAL PLANNING STAFF

Dr. Shirley Imsand (SEATAC coordinator)
Steven Mar (SEATAC coordinator)

Members of the Public

Scott Harris, CA Dept. of Fish and Game

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NOTE: SEATAC MEETINGS ARE INFORMAL WORKING SESSIONS. MEMBERS ARE APPOINTED VOLUNTEERS IN AN ADVISORY CAPACITY. MINUTES ARE PREPARED BY PLANNING STAFF PRIMARILY FROM NOTES. SESSIONS ARE ALSO TAPE RECORDED BUT THE TAPES ARE PRIMARILY FOR BACK-UP USE BY STAFF. VISITORS ARE ADVISED TO TAKE PROPER NOTES AND/OR RECORD THE SESSION. ISSUES NOT DISCUSSED BY SEATAC DO NOT IMPLY TACIT APPROVAL. NEW OR CLARIFIED INFORMATION PRESENTED IN SUBSEQUENT SUBMITTALS MAY RAISE NEW ISSUES AND MAY REQUIRE FURTHER ANALYSIS. MINUTES ARE GENERALLY APPROVED AT THE NEXT SEATAC MEETING. DRAFT MINUTES MAY BE REQUESTED BUT ARE SUBJECT TO REVISION.

MINUTES

AGENDA ITEMS

1. **Minutes of 7 December 2009** were not approved due to the absences of Dr. Thomas Scott and Dr. Cheryl Swift.
2. **Discussion of compatibility with respect to development in and around an SEA.** Dr. Imsand's interpretation of "compatibility" means that the development won't impair the longevity of the SEA. SEATAC mentioned that compatibility is usually defined on a project-by-project basis and not as it applies to all SEAs. SEATAC discussed issues such as projects that are located on the border of an SEA and buffers around SEAs. New SEAs do a better job of identifying and incorporating buffer zones around an SEA. There have been projects that went under SEATAC review if they touched a border of an SEA even if they were not actually located within an SEA. Dr. Imsand discussed existence of criteria (primary and secondary) and a criteria table that determines the creation of the SEAs. Dr. Imsand mentioned that there are maps that show proposed revisions to the SEAs and maps of the original SEAs.

SEATAC stated that compatibility determination involves consideration of (1) long term goal for all SEAs; (2) why the individual SEA was created (criteria), and (3) preservation of intact function of the ecosystem of the SEA. (4) Edge effects have been considered important. There have been projects that went under SEATAC review if they touched a border of an SEA or even were nearby an SEA because they might have influence due to edge effects.

The newly-proposed SEAs will do a better job of identifying and including buffer zones within the SEAs. Buffer zones did not work well for protection because the policy concerning them was unclear. Whole watersheds may need to be captured.

Maps are in preparation that show proposed revision to the SEAs. Dr. Imsand is working with GIS to prepare a map of existing SEAs in the County and to provide a webpage with better access to information on the SEAs on the County website.

3. **Project Description: Gray Butte Solar Array**
Project No. R2009-01148, RENV200900076, RCUPT200900078,
RZCT200900006
Applicant: Gary Butte Solar, LLC
Biologist: Gary Santolo of CH2MHill, Santa Ana

The project consists of a nominal 139-megawatt (MW) solar photovoltaic (PV) power generating facility. The project is located on approximately 1,100 acres of land that is in agricultural cultivation and located in rural northeastern Los Angeles County.

The Project site consists of four parcels with a connecting future access road easement, internal transmission line easement, and a preferred generation-tie line route. The northern parcel is 333 acres and is currently under center-pivot irrigation and in active cultivation; the central parcels are 80 acres and are currently in active cultivation; and the southern parcel is 691 acres and is currently under center-pivot irrigation and in active cultivation.

The southern parcel and portions of the access road, internal transmission line, and generation-tie line route are located within the Desert-Montane Transect Significant Ecological Area (SEA) #55, and the central and northern parcels are located immediately north of and adjacent to it.

SEA RESOURCE DESCRIPTION: The **Desert-Montane Transect** possesses vegetation types that are representative of the transition between the Mojave Desert and the north slopes of the San Gabriel Mountains. The combination of desert and montane habitats makes this one of the most diverse areas within Los Angeles County, and one of the largest undisturbed areas outside the Angeles National Forest.

Desert communities include creosote bush scrub, sagebrush scrub, and Joshua tree woodland. Creosote bush scrub is found on the desert floor and in the butte areas. Sagebrush scrub and Joshua tree woodland are found above the floor in the broad alluvial fans and at the base of the rocky foothills. The sagebrush scrub community is limited in distribution in southern California. Pinyon-juniper woodland and desert chaparral habitats are found in the foothills and the lower mountain slopes. At higher elevations, a mixed conifer forest occurs, with Jeffrey pine (*Pinus jeffreyi*), ponderosa pine (*Pinus ponderosa*), and big-cone spruce (*Pseudotsuga macrocarpa*) as the dominant species.

The area is valuable because it is the only site where these communities can be found in an uninterrupted band running from the crest of the San Gabriel Mountains to a desert butte.

The area has avoided extensive development. Many roads and scattered homesites do exist within the area. Other less common developments include campgrounds, reservoirs, quarries, railroad tracks, and powerlines. However, the biological resources should be identified and rated accordingly.

Action Requested: **Review of the Biological Constraints Analysis. The Biological Constraints Analysis has been used to prepare the Draft Environmental Impact Report (EIR) for California**

Environmental Quality Act (CEQA) compliance under Article 7, Section 15080. Mitigation measures may be proposed by SEATAC for incorporation into the Final EIR.

SEATAC Comments:

- 1) The applicant should revise the description of the project's surroundings to include the many Joshua trees, saltbrush scrub, and creosote bush scrub around the site. A way to tally the Joshua tree presence is to measure tree density such as trees/acre at standard distances along the periphery and transmission line. There is also an alkali flat located nearby.**
- 2) SEATAC mentioned that the applicant graded out some blueline streams on the southernmost parcel which the California Department of Fish and Game determined was done in 2005. SEATAC suggests that the drainage be restored by not placing solar panels where the former drainages used to be located. There are signs that water still flows through these channels and creates a wetlands environment. These are named creeks that originate from Table Mountain (Puzzle and Jesus Creeks). There is an existing culvert underneath the peripheral road near the former confluence of Puzzle and Jesus.**
- 3) SEATAC would like bird surveys to be done and for the applicant to use the L.A. County Sensitive Birds List for the survey. Loggerhead shrikes have been observed. Swainson's Hawks should be surveyed and data should be included from various sources of bird data (eBird, L.A. County Sensitive Bird List, etc.) with respect to Swainson's Hawks. Impacts are considered significant if within 5 miles of known nesting sites of Swainson's Hawks. A reservoir that is currently used to irrigate the crops contains water birds. The applicant should address how the project would affect these migratory birds. A bat survey should also be conducted because of the presence of buttes in the area, the reservoir water source, and insect forage possibilities over the irrigated crop land.**
- 4) SEATAC would like a more detailed survey of the proposed transmission line route and a description of the impact area under and around each tower. SEATAC wonders why new transmission lines should be built if there are existing transmission lines to the south of the project which the proposed new transmission line crosses: ADL-TOL and VIC-RIN. Can the proposed line tie into one of the existing lines or is there an alternate route? SEATAC mentioned that the roads near the proposed transmission line will also be impacted; roads provide habitat area for creatures such as snakes and kangaroo rats.**
- 5) SEATAC recommends that the applicant revise the BCA to include the impacts from the proposed transmission lines.**
- 6) SEATAC recommends that the biota report include a table listing sensitive birds that were observed on the site and in the transmission line areas. The table**

should consist of two columns: one column for what was observed on the project site and one column for what was observed in the transmission line areas. Non-sensitive birds that were observed should also be recorded and should be identified on the table by placing parenthesis around them. Parenthesis should also be placed around sensitive bird species that can possibly be observed. Some summary statements should also be made stating the percentage of sensitive bird species observed.

- 7) SEATAC mentioned that the report states that the project site may provide foraging and edge habitat for burrowing owls. Since the report is a BCA, the report needs to state if that is a constraint or not.
- 8) SEATAC states that the project should recognize significant ground squirrel habitat areas close to the project. The report also did not survey for ground squirrels during the right season. The report should include a survey for Mojave Ground Squirrels during the right season. Creation of round-tail ground squirrel habitat should be made if appropriate.
- 9) SEATAC mentioned that loss of agricultural land would affect foraging land for raptors in and around the project site.
- 10) Scott Harris of DFG stated that foraging habitat (in regards to raptor birds such as Swainson's Hawk) should be considered in the assessment.
- 11) SEATAC mentioned that the Theodore Payne Wildlife Sanctuary should be identified in the report (where Figure 7 is being discussed). Open spaces that have names should be identified and not labeled "Open Space."
- 12) SEATAC discussed what would the site revert to if the project was not built. SEATAC agreed that native and non-native vegetation would eventually grow back onto the site.
- 13) Scott Harris mentioned that the southern portion of the site was graded 600+ acres in 2005 and it may or may not have been permitted.
- 14) SEATAC discussed the difference between evaluating projects for the purposes of CEQA versus evaluating projects for the purpose of protecting an SEA. CEQA evaluates projects in terms of what is currently there whereas evaluating projects for the purpose of protecting an SEA looks at how a project has the potential to permanently affect an SEA and its SEA value if the project site was untouched.
- 15) SEATAC would like to see a wildlife movement evaluation. This was not included in the report. Evaluation should be based on data and not solely on theoretical studies.

- 16) SEATAC stated that Southern California Edison has final say as to where transmission lines can be located and it may not be where the applicant proposes them to be. Nevertheless, the building of transmission lines will impact the area where they will be built. SEATAC recommends that the applicant submit documentation, when available, as to where Edison agrees the transmission lines will be placed.
- 17) The report should have a table listing at a minimum all species for the 10 quadrangle region listed in CNPS, CNDDDB, and the L.A. County Sensitive Bird List with data on status or sensitivity, short habitat description, observations, and possibility of animals occurring on the site.
- 18) SEATAC mentioned that there are already photovoltaic solar panels located near and perhaps on the site. These should be shown on map(s) and mentioned in the site descriptions.

SEATAC Recommendations:

- 1) SEATAC recommends a revised BCA to address the issues mentioned during this meeting.
- 2) SEATAC recommends a more detailed project description that includes where the proposed transmission lines will be located.

ACTION TAKEN: Further SEATAC review is required. Incorporate the above comments and recommendations into the BCA report and project design.

NON-AGENDA ITEMS

4. Preliminary discussion of project located at 38151 Three Points Road, Neenach, Lake Hughes, R2008-00443, RENV201000001, CUPT200800061 located in SEA#58: Portal Ridge-Liebre Mountain. There are at least five structures on the property, and some are unpermitted. The resource on the site is oak woodland and a John Tucker scrub oak that is heritage size 36" in diameter. Many other Tucker oaks are located in the chaparral. Another significant oak tree has also been identified on the site. Blue Oaks are possible on the site, as it is north of the San Andreas Fault line. In addition to the unpermitted structures there was also some grading clearing done on the site. SEATAC gave a preliminary recommendation to grant a retroactive CUP for the unpermitted larger structures with removal of the structures that are located in the woodland. The property owner should agree to a covenant against further development on the site. Otherwise the property owner would have to submit a BCA, a Biota report, and an oak tree report for SEATAC's review. Case will be formally reviewed at SEATAC on a future date.

5. **Statements from California Department of Fish and Game.** CDFG requested information on how to write a letter addressing the problems of agricultural grading in the SEAs. SEATAC would be asked to comment on the letter.

The California Department of Fish and Game (CDFG) stated that important people at their department and the public use the SEATAC minutes as a critical summary of issues of concern for projects and insight into what is needed for consideration. As a public record, the minutes are a valuable tool for persons interested in the public-trust resources. SEATAC asks the kind of in-depth questions that need to be asked to explore environmental consequences of the development projects, before the CEQA process completes in many instances.

OTHER MATTERS

6. **Public comment** pursuant to Section 54954.3 of the Government Code.
No public comments were made.